



CITY OF
GEARHART

Staff Report

For City Council Meeting - 2/7/2024

Subject - New Business - OLCC License Renewals

Synopsis: Attached is the list of OLCC liquor licenses in Gearhart that are eligible for license renewal. Current licenses are set to expire effective 3/31/2024. ORS 471.166 establishes the process for local governments to make recommendations to the OLCC. A list of reasons for unfavorable recommendation is also attached.

Council Options:

- 1) Take no action. After 3/31/2024, the OLCC will process the renewal application as a favorable recommendation;
- 2) Provide a written, unfavorable recommendation to the OLCC by 3/1/2024 requesting restriction for any / all of the licenses on the attached list that meet the unfavorable criteria;
- 3) Provide a written, unfavorable recommendation to the OLCC by 3/1/2024 requesting denial for any / all of the licenses on the attached list that meet the unfavorable criteria.

Recommendation: Staff recommends Council take no action as nothing meeting the criteria for an unfavorable recommendation has been documented for any of the listed businesses. However, the City will confirm with OLCC the two highlighted items:

- 1) The Gearhart Ocean Inn amends their name to The Drifhaven at Gearhart.
- 2) Good Times will not auto-renew and the license has been withdrawn / set to expire.

Legal Analysis: Changes were made to the OLCC's liquor license application process effective January 1, 2023 where an applicant needs local government recommendation in order to proceed with the OLCC portion. In order to do this, the City implemented Ordinance #936 for process and Resolution #975 for fees. Renewals were sent a letter advising of today's recommendations, and the need to return the City renewal application and fee prior to the expiration date of 3/31/2024.

Financial Analysis: There is a \$0 cost to renew with the OLCC though they do require a renewal application due well before expiration. The renewal license fee for the City of Gearhart due with our application is \$35.

Respectfully Submitted,


Chad

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(4)(5), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(4)(5) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC **can** consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location.

The problems can include:

- Obtrusive or excessive noise, music or sound vibrations
- Public drunkenness
- Fights or altercations
- Harassment
- Unlawful drug sales
- Alcohol or related litter

OLCC is **not** able to consider the following issues when deciding to renew a liquor license:

- Lack of parking
- Increase in traffic
- Too many licenses in a specific area (saturation)
- Entertainment type - nude dancing, gambling, live bands, etc.
- Increased noise
- Zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

| Trade Name | License No. | Premises No. | License Type | License Type Description | Additional Privilege | Licensee Name | Renewal Dist. | Effective Date | Expire Date | Premises Address | Mailing Address | Mailing City, State, Zip | RNWL LETTER MAILED | RNWL APP REC'D |
|--|-------------|--------------|--------------|---------------------------|------------------------|------------------------------|---------------|----------------|-------------|----------------------------|----------------------|--------------------------|--------------------|----------------|
| BUD'S CAMPGROUND & GROCERY | 364129 | 2705 | O | OFF-PREMISES SALES | | GAAMA ENTERPRISES INC | 2 | 4/1/2023 | 3/31/2024 | 4412 N HWY 101 | 13905 NW WILLIS RD | MCMINNVILLE, OR 97128 | 1.12.24 | |
| DOLLAR GENERAL STORE #18949 | 365552 | 59412 | O | OFF-PREMISES SALES | | DG RETAIL LLC | 2 | 4/1/2023 | 3/31/2024 | 3453 HWY 101 N | 100 MISSION RIDGE | GOODLETTSVILLE, TN 97072 | 1.12.24 | |
| EL TRIO LOCO MEXICAN CUISINE | 365284 | 38549 | F-COM | FULL ON-PREMISES SALES | | SANTA MARIA LLC | 2 | 4/1/2023 | 3/31/2024 | 3611, 3613, 3615 HWY 101 N | 3615 HWY 101 N | GEARHART, OR 97138 | 1.12.24 | |
| GEARHART LIQUOR STORE | 362156 | 62292 | O | OFF-PREMISES SALES | | RICHARD D. TRUCKE | 2 | 4/1/2023 | 3/31/2024 | 4206 HWY 101 N | 4206 HWY 101 N | GEARHART, OR 97138 | 1.12.24 | |
| GEARHART OCEAN INN | 362157 | 64298 | F-COM | FULL ON-PREMISES SALES | | PACIFIC COTTAGES LLC | 2 | 4/1/2023 | 3/31/2024 | 67 N COTTAGE | PO BOX 2161 | GEARHART, OR 97138 | 1.12.24 | |
| GOOD TIMES | 365923 | 65095 | L | LIMITED ON-PREMISES SALES | | GOOD TIMES GEARHART LLC | 2 | 4/3/2023 | 3/31/2024 | 567 PACIFIC WAY STE B | 1009 SW RIVINGTON DR | PORTLAND, OR 97201 | n/a | n/a |
| GREAT WALL RESTAURANT | 362191 | 22599 | F-COM | FULL ON-PREMISES SALES | Responsible Vendor | LIN'S RESTAURANTS INC | 2 | 4/1/2023 | 3/31/2024 | 4340 HWY 101 N | 88822 TEAL RD | GEARHART, OR 97138 | 1.12.24 | 1.23.24 |
| HIGHLANDS GOLF CLUB | 364144 | 43991 | L | LIMITED ON-PREMISES SALES | | DOWNTOWN GOLF CO LLC | 2 | 4/1/2023 | 3/31/2024 | 33260 HIGHLANDS LN | PO BOX 2654 | GEARHART, OR 97138 | 1.12.24 | |
| MCMENAMIN'S SANDTRAP BAR & GRILL | 364165 | 2178 | F-COM | FULL ON-PREMISES SALES | Endorsement to Receive | MCMENAMIN'S INC | 2 | 4/1/2023 | 3/31/2024 | 1157 N MARION | 430 N KILLINGSWORTH | PORTLAND, OR 97217 | 1.12.24 | |
| | | | | | Responsible Vendor | MCMENAMIN'S INC | 2 | 4/1/2023 | 3/31/2024 | 1157 N MARION | 430 N KILLINGSWORTH | PORTLAND, OR 97217 | 1.12.24 | |
| PACIFIC WAY CAFE & MARKETPLACE | 362683 | 17954 | L | LIMITED ON-PREMISES SALES | | FRAZIER PACIFIC PARTNERS LLC | 2 | 4/1/2023 | 3/31/2024 | 601 PACIFIC WY | PO BOX 2042 | GEARHART, OR 97138 | 1.12.24 | |
| RECREATION LANES RESTAURANT AND LOUNGE | 364749 | 2765 | F-COM | FULL ON-PREMISES SALES | Responsible Vendor | DAMARKOM INC | 2 | 4/1/2023 | 3/31/2024 | 3518 HWY 101 N | PO BOX 23 | SEASIDE, OR 97138 | 1.12.24 | |
| SUPERMART 11 | 363127 | 61317 | O | OFF-PREMISES SALES | | HARGOBIND INC | 2 | 4/1/2023 | 3/31/2024 | 3300 HWY 101 N | PO BOX 2802 | GEARHART, OR 97138 | 1.12.24 | |

*Gearhart Ocean Inn should be Drifhaven...
*Good Times can be non-renewed (denied)



OLCC Pre-Renewal Notice - District 2

2 messages

RENEWALS olcc * OLCC <olcc.renewals@oregon.gov>
To: RENEWALS olcc * OLCC <olcc.renewals@oregon.gov>

Fri, Dec 29, 2023 at 10:29 AM

Hello,

Liquor licenses assigned to **District 2** will be up for renewal soon, which may include licenses in your area. Liquor licenses for **District 2** are due to expire **03/31/2024**. This notice provides below the instructions of how to electronically generate the list of liquor licenses relevant to you for this license renewal period, as well as instructions on how to recommend approval or denial.

INSTRUCTIONS:

Use the below hyperlink to access the license database and use the appropriate filters on the left-hand side described below to generate the list of your area specific licenses we are requesting endorsement for. Instructions for filtering that list to generate the specific licenses in your area are below:

1. Access the webpage found here: <https://data.olcc.state.or.us/t/OLCCPublic/views/LiquorLicenseeList/Dashboard?%3Aembed=y&%3AisGuestRedirectFromVizportal=y>
2. In Filter Category: **Effective and Expiration Dates**; select the option **Expiring within next 90 days**
3. In Filter Category: **License Type**; check only the options: **BP, F-CAT, F-CLU, F-COM, F-FPC, F-PC, F-PL, L, and O**. (per OAR 845-005-0360, only these license types require LGB endorsement on renewal)
4. In Filter Category: **City/County**; select only the option of the specific city or county you represent.
5. This will generate your list of licenses about to expire. If you wish to export that list, use the options below the left-side filters to export the list in the format of your choosing.

****NOTE** This notification is not dependent on your local government having renewing licenses for this upcoming renewal period.** This notice is being sent to all jurisdictions, and you may have licenses up for renewal for more than one district period per year. Please use this time to check if you have upcoming renewals for this renewal period. If you have no upcoming renewing licenses for this upcoming renewal period, you can ignore this notification.

HOW TO MAKE A RECOMMENDATION

You have until **MM/DD/YYYY** to make your recommendation. Below are your options for renewals:

RECOMMEND APPROVAL

1. **DO NOTHING**. If you do not submit a recommendation by **03/01/2024**, the OLCC will process the renewal application as a favorable recommendation.

RECOMMEND DENIAL (see additional information attached as a PDF)

1. File an unfavorable recommendation, stating the grounds for the unfavorable

(must meet denial criteria on attached PDF); **OR**

2. Make a written request for additional time to complete an investigation. The request must state:

- A) You are considering making an unfavorable recommendation;
- B) The specific grounds being considered.

The grounds must be one referenced in Oregon Administrative Rule 845-005-0308(3). If your request is granted you will be given a 45-day extension to file your unfavorable recommendation. Unfavorable means recommending denial of a license or requesting restrictions be placed on a license.

RECORDS UPDATE REQUEST

If your address for liquor license renewals, contact email address, or renewal fees have changed, please notify us via email to olcc.generalinfo@oregon.gov

CONTACT INFORMATION:

If you need assistance or would like to discuss a specific application, please contact your local OLCC office, or our general line at 503.872.5000 so we can best rout your inquiry. Please send renewal recommendation correspondence to OLCC.Renewals@oregon.gov or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138.

Thank you,



Jessica Buzikowski

License Renewal Coordinator

Call 503-872-5138

Oregon Liquor and Cannabis Commission ([OLCC](#))

Schedule: 8am – 5pm Monday through Friday

Alcohol Licensing Contacts:

- Questions about obtaining a liquor license: olcc.alcohollicensing@oregon.gov
- Renewing your current alcohol license: olcc.renewals@oregon.gov
- Planning a special event or needing a temporary sales license: olcc.specialevents@oregon.gov
- Looking for your service permit: olcc.servicepermits@oregon.gov
- Other questions or concerns: olcc.generalinfo@oregon.gov

Denial Criteria Doc.pdf
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